

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CLARITA SANCHEZ

Plaintiff,

v.

ALLIED PROPERTY AND CASUALTY
INSURANCE COMPANY AND
JOHN WILLIAMS

Defendants.

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CIVIL ACTION NO. 1:16-cv-176

NOTICE OF REMOVAL

Defendants Allied Property & Casualty Insurance Company (“Allied”) and John Williams, through undersigned counsel and pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, file this Notice of Removal of the Texas state court action captioned Cause No. C-1-CV-16-000727; *Clarita Sanchez v. Allied Property and Casualty Insurance Company & John Williams* in the County Court at Law No. 1, Travis County, Texas.

I. BACKGROUND

1. Plaintiff Clarita Sanchez initiated the present action by filing her Original Petition in Cause No. C-1-CV-16-000727 in the County Court at Law No. 1, Travis County, Texas. *See* Plaintiff’s Original Petition and Request for Disclosure, attached hereto as Exhibit A.

2. Allied filed its Original Answer on February 19, 2016, asserting a general denial to the claims and allegations made in Plaintiff’s Original Petition. *See* Defendant’s Original Answer, attached hereto as Exhibit B.

II. JURISDICTION

3. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a state court of which the district courts of the United States have original jurisdiction, may be removed by the

defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” The Court has original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. 28 U.S.C. § 1332(a)(1).

4. This matter is removable because there is complete diversity of citizenship between the properly joined parties and the amount in controversy exceeds \$75,000 exclusive of interest and costs. This Notice of Removal is timely filed within 30 days of the filing of Allied’s Original Answer and less than one year after the commencement of this action.

A. Diversity of Parties

5. Plaintiff is a resident of Travis County, Texas. *See* Exhibit A, Plaintiff’s Original Petition, at ¶ 2. Pursuant to 28 U.S.C. § 1332(a), Plaintiff is a citizen of the State of Texas.

6. Allied is organized under the laws of under the laws of Ohio and maintains its principal place of business in Columbus, Franklin County, Ohio. Pursuant to 28 U.S.C. § 1332(c)(1), Allied is a citizen of the State of Ohio for purposes of diversity analysis.

7. Defendant John Williams is a resident and citizen of the state of Iowa.

8. Because this action is between citizens of different states, complete diversity exists.

B. Amount in Controversy

9. The applicable coverage limits on the policy under which Plaintiff brings this lawsuit are alleged to be \$1,000,000. *See* Exhibit A, Plaintiff’s Original Petition, at ¶ 8. In addition, Plaintiff alleges an entitlement to recover, inter alia, “from \$100,000 to \$200,000.” *Id.* at ¶ 16.

10. By either measure, Plaintiff has admitted that the amount in controversy in this action exceeds the \$75,000 minimum for federal diversity jurisdiction.

III. CONCLUSION

11. Removal is proper pursuant to 28 U.S.C. § 1332 because there is complete diversity between Plaintiff and Defendants, the amount in controversy exceeds \$75,000, and Defendants are not citizens of the state in which this case was brought.

12. Pursuant to 28 U.S.C. § 1446(d), promptly after filing this Notice of Removal, Defendants will give written notice of the removal to Plaintiff through her attorneys of record, and to the clerk of the County Court at Law No. 1 of Travis County, Texas.

Respectfully submitted,

/s/ Patrick M. Kemp

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**ATTORNEYS FOR DEFENDANTS ALLIED
PROPERTY AND CASUALTY INSURANCE
COMPANY AND JOHN WILLIAMS**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served via certified mail, return receipt requested on this the 22nd day of February, 2016 to:

Adam Loewy
Loewy Law Firm P.C.
111 Congress Ave., Suite 400
Austin, Texas 78701
adam@loewyfirm.com

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/s/ Patrick M. Kemp
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